

**REMARKS**

Claims 1-17 are all the claims pending in the application.

Applicant thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Applicant also thanks the Examiner for initialing the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on December 10, 2001.

**I. Drawings**

The Examiner objects to the drawings for the reasons set forth on page 2 of the Office Action. Specifically, the Examiner asserts that the reference signs a" and b" depicted in the figures are not mentioned in the specification.

Applicant has amended the specification such that the reference signs identified by the Examiner are included within the specification. Accordingly, Applicant respectfully requests that the objection to the drawings be withdrawn.

**II. Specification**

The Examiner objects to the specification for minor informalities. Applicant has amended the specification to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests that the Examiner withdraw the objection.

### **III. Claim Objections**

The Examiner objects to claims 16 and 17 as being in improper form due to multiple dependent claim 16. Applicant has amended claim 16 to depend from claim 1 and, therefore, requests that the Examiner withdraw the objection.

The Examiner also objects to claim 7 due to a minor informality. Applicant has amended claim 7 to correct the minor informality and, therefore, requests that the Examiner withdraw the objection.

### **IV. Claim Rejections under 35 U.S.C. § 102(b)**

Claims 1, 5-7 and 11-13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Lueker et al. (U.S. Patent No. 4,504,809). Applicant respectfully traverses this rejection on the following basis.

Claim 1 defines a novel combination of features which form a bi-stable microswitch. Included among the features of this new microswitch is an armature which is resiliently biased towards a first position when latched. Applicant submits that the claimed combination, including at least this feature, is neither disclosed nor suggested by Lueker.

Lueker discloses a relay having heating elements 206 and 208 which rest on a substrate 204 (see Figs. 2 and 3). A moving element 210 is provided having contacts 212 and 214 which form connections with contacts 216 and 218, respectively (see Figs. 2 and 3). Moving element 210 is specifically disclosed by Lueker as a rigid element which is able to rock back and forth

between a first position and a second position about a pivot point 220 (see column 2, lines 40-42).

Therefore, as moving element 210 is disclosed as having a rigid structure, moving element 210 is clearly not resiliently biased toward a first position, as is required by claim 1. Indeed, Applicant submits that Lueker does not even remotely suggest such a feature. Rather, in direct contrast to the claimed feature, moving element 210 is merely able to shift between a first position and second position about pivot point 220 due to its rigid construction.

Accordingly, as Lueker fails to disclose or suggest all of the features of claim 1, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection. Claims 5-7 and 11-13 depend, either directly or indirectly, from claim 1. Accordingly, Applicant submits that claims 5-7 and 11-13 are patentable at least by virtue of their dependency.

#### **V. Allowable Subject Matter**

Applicant would like to thank the Examiner for the indication of allowable subject matter. Specifically, the Examiner indicates that claims 2-4, 8-10, 14 and 15 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

Initially, Applicant notes that a 35 U.S.C. § 112, second paragraph rejection was not presented against the claims in the Office Action. In addition, Applicant believes that base claim 1 is patentable for at least the reasons discussed above. Accordingly, Applicant has not rewritten claims 2-4, 8-10, 14 and 15 in independent form at this time. Applicant concurs, however, that

AMENDMENT UNDER 37 C.F.R. § 1.111  
U.S. APPLICATION NO.: 09/883,220

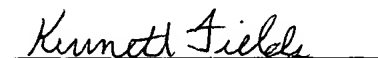
these claims are distinct over the subject matter of claim 1, and thus are patentable each on their own merits, beyond the patentability of claim 1.

## VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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PATENT TRADEMARK OFFICE

Date: May 27, 2003

**APPENDIX**

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION:**

**The specification is changed as follows:**

**At page 4, replace the first full paragraph with the following new paragraph:**

An insulating dielectric layer 6 is then formed on the other surface of the substrate 2. The dielectric layer 6 may be formed from SiO<sub>2</sub>, SiN<sub>2</sub>, polyamide or like material. A layer 7 of thermalloy or other magnetisable material is then electro formed on the dielectric layer 6. The composition of the thermalloy layer 7 is adjusted to set the Curie temperature of the layer. A further dielectric layer may then be formed on the thermalloy layer 7, and electrical contacts [a'] a'' and [b'] b'' formed on the surface of that dielectric layer. An electrical resistance element 8, such as an NiCr heating coil, is also applied to the surface of that dielectric layer by vapour deposition or like technique.

**IN THE CLAIMS:**

**The claims are amended as follows:**

7. (Twice Amended) A bi-stable microswitch according claim 6, wherein one or more of the first and second [hearing] heating devices includes an electrical resistance element.

16. (Once Amended) An array of bi-stable microswitches, each microswitch having features according to claim 1 [any one of the preceding claims].